

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANDY KIM, in his personal capacity as a candidate for U.S. Senate, ANDY KIM FOR NEW JERSEY, SARAH SCHOENGOOD, SARAH FOR NEW JERSEY, CAROLYN RUSH and CAROLYN RUSH FOR CONGRESS,

Plaintiffs,

Civil Action No. 3:24-cv-01098

v.

CHRISTINE GIORDANO HANLON, in her official capacity as Monmouth County Clerk; SCOTT M. COLABELLA, in his official capacity as Ocean County Clerk; PAULA SOLLAMI COVELLO, in her official capacity as Mercer County Clerk; MARY H. MELFI, in her capacity as Hunterdon County Clerk; STEVE PETER, in his official capacity as Somerset County Clerk; HOLLY MACKEY, in her official capacity as Warren County Clerk; NANCY J. PINKIN, in her official capacity as Middlesex County Clerk; JOSEPH GIRALO, in his official capacity as Atlantic County Clerk; JOHN S. HOGAN, in his official capacity as Bergen County Clerk; JOANNE SCHWARTZ, in her official capacity as Burlington County Clerk; JOSEPH RIPA, in his official capacity as Camden County Clerk; RITA M. ROTHBERG, in her official capacity as Cape May County Clerk; CELESTE M. RILEY, in her official capacity as Cumberland County Clerk; CHRISTOPHER J. DURKIN, in his official capacity as Essex County Clerk; JAMES N. HOGAN, in his official capacity as Gloucester County Clerk; E. JUNIOR MALDONADO, in his official capacity as Hudson County Clerk; ANN F. GROSSI, in her official capacity as Morris County Clerk; DANIELLE IRELAND-IMHOF, in her official capacity as Passaic County Clerk; and JOANNE RAJOPPI, in her official capacity as Union County Clerk.

Defendants.

-and-

DALE A. CROSS, in his official capacity as Salem County Clerk; and JEFF PARROTT, in his official capacity as Sussex County Clerk; TAHESHA WAY, Esq., in her official capacity as Secretary of State for New Jersey.

As Interested Parties.

**DECLARATION OF JAMES SOLOMON IN SUPPORT OF AMICUS CURIAE BRIEF
OF JOE COHN, STACI BERGER, JAMES SOLOMON, VALERIE HUTTLE, AND
RAVI BHALLA IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION**

JAMES SOLOMON hereby declares, pursuant to 28 U.S.C. § 1746 as follows:

1. I reside at 349 4th St Apt 1 Jersey City, New Jersey. As a Jersey City Councilmember and elected official in Hudson County, I have firsthand experience with how the “county line” (hereinafter, the “Line”) system has been weaponized to depress voter turnout, discourage competitive elections, and enshrine preferential ballot placement for hand-picked candidates of party bosses. I describe that experience below.

2. In 2020 and 2023, I campaigned on behalf of candidates in the Democratic Party primaries in Hudson County. As part of my campaigning, I spent extensive time knocking on doors and speaking with voters about the then upcoming primaries. During those conversations, voters consistently expressed to me their belief that the party endorsed candidates who were placed on the Line, were the only Democratic candidates running for office, and that any candidate not appearing on the Line was running as an Independent or Republican. These conversations made it apparent that the ballot design, which is endorsed and circulated by the Hudson County Clerk, generated widespread confusion for the voters, and that the Line had a distinct impact on actual votes.

3. In addition to my experiences campaigning, as a member of the Democratic party in Hudson County, I have experienced how the Hudson County Democratic Organization

(HDCO) will wield its power over the Line in an unfair and undemocratic manner. In 2022, Robert Menendez Jr. was de facto awarded the Hudson County Line for the 8th Congressional District *prior* to his declaration of candidacy. He was awarded the Line because he was endorsed by the then party Chairwoman Amy DeGise - the only person who determines who is awarded the county endorsement according to the HCDO's bylaws.

4. The HDCO's decision to award the Line to Mr. Menendez was not just a win for him; it was the ultimate barrier to entry for other Democrats seeking to run for that open Congressional seat. At the time, I spoke with numerous credible challengers who cited the HDCO's decision as the core factor in their decision not to run for the seat.

5. I witnessed similar backroom dealings by the HDCO in 2020. During the 2020 primary election, when the prospect of a strong progressive ticket led by Sen. Bernie Sanders emerged, then HCDO Chairwoman DeGise floated the idea of decoupling the presidential primary ballot from the line. As reported by the New Jersey Globe, "Democratic county chair Amy DeGise is prepared to hold an open presidential primary, if Sanders agrees to not bracket with a slate of nine progressive freeholder candidates", this maneuver would have preserved the benefits of the Line for state, county, and locally endorsed candidates. Of course, once Sen. Sanders dropped out, the idea of an open primary for the presidential primary was forgotten.

6. In contrast to the broken and undemocratic Line system I describe above, I have experience with how elections in New Jersey can be handled in a more transparent and "small-d" democratic manner. I owe my elected office as a Jersey City councilman to the absence of the Line in Jersey City's municipal elections. While candidates may run on tickets with each other and receive support from party organizations in the elections, the ballot design is fair and not designed to cause confusion among the voters. Rather than a Line, each position is grouped as

its own block and the ballot order is determined by random drawing. In this way, candidates can associate with whatever other candidates they may wish to associate, and the party organization can endorse whoever it wants, without the voter being confused as a result.

7. As a candidate running explicitly as a reformer against the local power structure, I would have never received the party's endorsement to appear on the Line. I won my election by 247 votes - a 5% margin - that certainly would have been dwarfed by the advantage received by the candidates who would have been on the Line.

8. Having experienced both forms of the ballot, I can see no legitimate reason why the State cannot adopt the Jersey City method.

Executed on March 11, 2024


James Solomon